

# **EXHIBIT 2**

**Exhibit 2 – Documents Considered**

1. Second Amended Complaint with Exhibits (Dkt No. 10)
2. Defendant's Answer and Counterclaims (Dkt No. 13)
3. Plaintiff's Preliminary Infringement Contentions (December 15, 2023)
4. U.S. Patent No. 8,465,408
5. Prosecution history for U.S. Patent No. 8,465,408
6. U.S. Patent No. 8,870,737
7. Prosecution history for U.S. Patent No. 8,870,737
8. U.S. Patent No. 8,926,490
9. Prosecution history for U.S. Patent No. 8,926,490
10. U.S. Patent No. 10,029,111
11. Prosecution history for U.S. Patent No. 10,029,111
12. Joint Claim Construction Chart with Exhibits A-I (Dkt No. 29)
13. Claim Construction Order (Dkt. No. 74 in Case No. 3:21-cv-01330 (S.D. Cal.))
14. *Merriam-Webster Dictionary*, Merriam-Webster,  
<https://web.archive.org/web/20060904110832/https://www.merriam-webster.com/dictionary/improve>. Accessed 11 May 2024. Copyrighted 2006. Recorded September 4, 2006.
15. *Medical Dictionary for the Health Professions and Nursing*. <https://medical-dictionary.thefreedictionary.com/improve>. Accessed 11 May 2024.
16. trac9 Informatics (<https://trac9.com>)
17. trac9 Informatics, (<https://trac9.com/spotlight-windmill-wellness-ranch/>)
18. Defendant's website ([www.brainfrequency.ai](http://www.brainfrequency.ai))
19. Defendant's Opening Claim Construction Brief (Dkt. No. 34)
20. Dempsey Declaration (Dkt. 34-1)
21. Dempsey, J. P., Randall, P. K., Thomas, S. E., Book, S. W., & Carrigan, M. H. (2009). Treatment of social anxiety with paroxetine: mediation of changes in anxiety and depression symptoms. *Comprehensive Psychiatry*, 50(2), 135-141.

22. William A. Gardner. A unifying view of coherence in signal processing. *Signal Processing*, 29:113-140 (November 1992)
23. Merriam-Webster OnLine  
(<https://web.archive.org/web/20060512184013/https://www.merriam-webster.com/dictionary/value>) (last visited May 31, 2024)
24. Bear, M., Connors, B., & Paradiso, M.A., Neuroscience: exploring the brain, enhanced edition. (2020).